

Remarks

I. Status of the Application and Claims

As originally filed, the present application had a total of 12 claims. These were all previously cancelled and replaced with claims 13-22. New claims 23-26 were added in a previous response. In response to the final Office Action dated June 12, 2007, Applicant filed an Amendment and Response Under 37 C.F.R. § 1.116 on September 28, 2007 amending claims 13, 23, and 25. According to the Advisory Action dated October 22, 2007, the September 28, 2007 response will be entered for purposes of Appeal.

Thus, claims 13-26 are pending in this patent application, of which claims 13-20 have been allowed. Applicant has not amended the claims in this response.

Applicant understands that because this application is under final rejection, entry of this supplemental response is at the discretion of the Examiner. However, Applicant respectfully submits that this response should be entered, as it will not require substantial additional consideration and will simplify the issues for appeal.

The Rejections

I. Rejection of Claims Under 35 U.S.C. § 102(a)

In item 17 of the final Office Action, claims 23-24 and 26 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Hernandez-Montalvo, *et al.*, as evidenced by Blattner, *et al.* and Lee, *et al.*

Applicant notes that Hernandez-Montalvo, *et al.* and Lee, *et al.* were both published in September of 2003, whereas this application claims priority to German patent application no. 103 14 618.0, filed April 1, 2003.¹ Thus, Hernandez-Montalvo, *et al.* and Lee, *et al.* are not prior art. In support of Applicant's priority claim, and in accordance with the requirements of 37 C.F.R. § 1.55, Applicant encloses a certified translation of the priority application, which clearly supports the claims in question. Accordingly, the rejection should be withdrawn.

¹ Applicant notes that the Hernandez-Montalvo, *et al.* reference has a June 2003 online publication date. Even if that was to be considered a publication date, Applicant's foreign priority application predates it by two months.

Conclusion

If, in the opinion of the Examiner, a phone call may help to expedite the prosecution of this application, the Examiner is invited to contact the undersigned.

Respectfully submitted,

LAW OFFICE OF MICHAEL A. SANZO, LLC

By: /Andrew McAleavey, Reg. No. 50,535/
Andrew McAleavey
Reg. No. 50,535
Direct Dial: 510-428-9778
Direct Fax: 510-295-2490

Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicant

Date: March 14, 2008
15400 Calhoun Drive, Suite 125
Rockville, Md. 20855
(240) 683-6165

Attachments:
Certified translation of priority document